

ORDINANCE NO. 981210-N

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY WITHIN THE LIMITED PURPOSE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 1,966 ACRES OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, THE LUCAS MUNOS SURVEY NO. 55, AND THE M. CASTRO SURVEY NO. 50 LOCATED IN TRAVIS COUNTY, TEXAS (REFERRED TO AS THE HARRIS BRANCH AREA); WHICH AREA INCLUDES AUSTIN MUNICIPAL UTILITY DISTRICTS NO. 2 AND NO. 3, AND PORTIONS OF AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1; APPROVING A SERVICE PLAN FOR THE ANNEXED TERRITORY; AND DISSOLVING AUSTIN MUNICIPAL UTILITY DISTRICTS NOS. 1, 2, AND 3.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (A) Notice of public hearings concerning annexation of the territory referred to as the Harris Branch area described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed.
- (B) Public hearings were held on November 17, 1998 at 7:00 p.m. at Bluebonnet Elementary School and on November 19, 1998 at 7:30 p.m. in Council Chambers. Bluebonnet Elementary School is located in the area to be annexed.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan for this area was made available and explained at the public hearings.
- (D) The entire territory is presently within the limited purpose jurisdiction of the City. The annexation, for full purposes of the territory described in Exhibit A serves the interests of the current and future residents of the City of Austin.

- (E) An election was held in the area on November 3, 1998, in accordance with Texas Local Government Code Section 43.203(d), at which election the resident voters approved dissolution of Austin Municipal Utility Districts Nos. 1, 2, and 3.
- (F) The Service Plan, as amended through negotiation, is attached to this ordinance as Exhibit B, and the number and level of the municipal services provided in the Service Plan meets or exceeds all State law requirements.
- (G) All procedural requirements imposed by state law for the annexation of the territory described in Exhibit A have been met.

PART 2. The present boundary limits of the City are amended to include the following territory, which is currently within the City's limited purpose jurisdiction in Travis County, Texas, and which is hereby annexed into the City for full purposes:

Three tracts of land situated in the William H. Sanders Survey No. 54, the Lucas Munos Survey No. 55, and the M. Castro Survey No. 50 in the City of Austin, Travis County, Texas, the tract of land described in Exhibit A as Number One containing 1,561 acres of land, more or less; the tract of land described in Exhibit A as Number Two containing 373 acres of land, more or less; and the tract of land as described in Exhibit A as Number Three containing 32 acres of land, more or less; and which tracts of land are to be changed from a limited purpose annexation area to a full purpose annexation area, and which tracts are more particularly described in Exhibit A attached to this ordinance.

PART 3. Austin Municipal Utility District No. 1 is dissolved and abolished at 12:01 a.m. on December 31, 1998, the effective date of this ordinance. On that date, and in accordance with the provisions of state law, the City shall take over all the property and other assets of the District and shall assume all the debts, liabilities, and obligations of the District.

PART 4. Austin Municipal Utility District No. 2 is dissolved and abolished at 12:01 a.m. on December 31, 1998, the effective date of this ordinance. On that date, and in accordance with the provisions of state law, the City shall take over all the property and other assets of the District and shall assume all the debts, liabilities, and obligations of the District.

PART 5. Austin Municipal Utility District No. 3 is dissolved and abolished at 12:01 a.m. on December 31, 1998, the effective date of this ordinance. On that date, and in accordance with the provisions of state law, the City shall take over all the property and

other assets of the District and shall assume all the debts, liabilities, and obligations of the District.

PART 6. The Service Plan attached as Exhibit B is approved as the Service Plan for the annexed area.

PART 7. The City Council declares that its purpose is to annex to the City of Austin every part of the area described in Exhibit A as provided in this ordinance, regardless of whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to all of the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

PART 8. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 9. This ordinance takes effect at 12:01 a.m. on December 31, 1998.

PASSED AND APPROVED

December 10, 1998.

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§
§



Kirk Watson
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



Betty G. Brown
Deputy City Clerk

EXHIBIT A

981210-N

C7a-98-010

Area to be changed from a
Limited Purpose Annexation to
a Full Purpose Annexation

(1,966 acres of land out of
the William H.Sanders Survey
No.54, the Lucas Munos Survey
No.55, and the M.Castro Survey
No.50 in the City of Austin
Travis County, Texas)

(Austin Municipal Utility
Districts No.1,2, & 3, Harris
Branch Ph.IA, Sec.'s 2,3,5& 6,
Harris Branch Ph.IB, Sec.'s 1
& 2, Harris Branch Ph.IC,
Harris Branch Elementary
School Subd., Harris Branch
Community Center, Harris
Branch Civic Center, Children
Courtyard Subd., Lot 2,
Applied Materials & Unplatted
Land, Harris Branch Parkway &
portion of Parmer Lane)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR THREE (3) TRACTS
OF LAND SITUATED IN THE WILLIAM
H.SANDERS SURVEY NO.54, THE LUCAS MUNOS
SURVEY NO.55, AND THE M.CASTRO SURVEY
NO.50 IN THE CITY OF AUSTIN TRAVIS
COUNTY, TEXAS, THE TRACT OF LAND HEREIN
AFTER DESCRIBED AS NUMBER ONE CONTAINING
1,561 ACRES OF LAND, MORE OR LESS, THE
TRACT OF LAND HEREIN AFTER DESCRIBED AS
NUMBER TWO CONTAINING 373 ACRES OF LAND,
MORE OR LESS, AND THE TRACT OF LAND
HEREIN AFTER DESCRIBED AS NUMBER THREE
CONTAINING 32 ACRES OF LAND, MORE OR
LESS, AND WHICH EACH OF THE THREE (3)
TRACTS OF LAND ARE TO BE CHANGED FROM A
LIMITED PURPOSE ANNEXATION TO A FULL
PURPOSE ANNEXATION, SAID THREE TRACTS OF
LAND BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

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NUMBER ONE, BEGINNING at the intersection of the present corporate limit line of the City of Austin by an ordinance dated July 18, 1985, (Case No.C7a-85-016), which line is line two hundred fifty (250.00) feet west of parallel with the centerline of Giles Road, with the south right-of-way line Blue Goose Road, which line is present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003);

THENCE with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the south line of right-of-way line Blue Goose Road, in a westerly direction to the most southerly southwest corner of the herein described tract of land, same being a point in the southerly prolongation of a west line of Austin Municipal Utility District No.2;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the west and south line of Austin Municipal Utility District No.2, and its southerly prolongation, in a northerly, westerly and northerly directions to the southwest corner of that certain 1.21 acre tract of land conveyed to Jimmy Breazeale, et ux, of record in Volume 3928 at Page 480 of the Real Property Records of Travis County, Texas, same being a point in the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated October 31, 1996 (Case No.C7a-96-016);

THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated October 31, 1996 (Case No.C7a-96-016) in an easterly, northerly, and westerly directions to most westerly corner of said Breazeale 1.21 acre tract of land, same being a point in a south line of said Austin Municipal Utility District No.2;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is said south line of Austin Municipal Utility District No.2, in a westerly direction to a point in the south right-of-way line of Cameron Road;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the south right-of-way line of said Cameron Road, in a westerly direction to the most westerly corner of the herein described tract of land, same being a point in the southerly prolongation of the west line of Austin Municipal Utility District No.3;

THENCE, continuing with the the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the west and north lines of said Austin Municipal Utility District No.3, and its southerly prolongation, in a northerly and easterly directions to a point in a line two hundred fifty (250.00) feet west and parallel with the centerline of said Cameron Road, which line is the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 18, 1985, (Case No.C7a-85-016);

THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 18, 1985 (Case No.C7a-85-016), which line is two hundred fifty (250.00) feet west and parallel with the centerline of said Cameron Road, in a northerly direction to the most northerly corner of the herein described tract of land, same being a point in the north right-of-way of Greg lane, which line is the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated May 14, 1987 (Case No.C7ad-87-003);

THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated May 14, 1987 (Case No.C7ad-87-003) in an easterly and southerly directions to a point in the north line of in the north line of said Austin Municipal Utility district No.3;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the north and east lines of said Austin Municipal Utility District No.3, in an easterly and southerly directions to the most easterly southeast corner of said Austin Municipal Utility district No.3;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated October 31, 1996 (Case No.C7ar-96-016), which line is the south and east line of said Austin Municipal Utility District No.3, in a westerly and southerly direction to the most northerly northeast corner of said Austin Municipal Utility District No.2;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated October 31, 1996 (Case No.C7ar-96-016), which line is the east and north lines of said Austin Municipal Utility District No.2, in a southerly and easterly direction to an exterior ell corner of said Austin Municipal Utility District No.2, same being a point in the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010);

THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010), which line is a east line of said Austin Municipal Utility District No.2, in a southerly direction to the southeast corner of the herein described tract of land, same being a point in the south right-of-way line of Blue Goose Road;

THENCE, continuing the present limited purpose corporate limit line the City of Austin, which line is the south right-of-way line of Blue Goose Road, in a westerly direction to a point in the south right-of-way line of Braker Lane as shown on a plat of Applied Materials Subdivision Section One a subdivision of record in Book 89 at Page 221 of the Plat Records of Travis County, Texas;

THENCE, continuing the present limited purpose corporate limit line the City of Austin, which line is the south right-of-way line of Braker Lane, in a westerly direction to a point in the east right-of-way line of Giles Road;

THENCE, continuing the present limited purpose corporate limit line the City of Austin and crossing said Giles Road to a point in south right of way line of said Blue Goose Road;

THENCE, continuing the present limited purpose corporate limit line the City of Austin, which line is the south right-of-way line of said Blue Goose Road, in a westerly direction to the point of beginning and containing 1,563 acres of land, more or less.

SAVE AND EXCEPT, from the above described tract Number One a 2.00 acre tract of land Disannexed from the City of Austin Ordinance No.961031-I and being described as Tract No. 2 in said ordinance.

NUMBER TWO, Beginning at a point in the present corporate limit line of the City of Austin, which line is the south right-of-way line of Boyce Lane, which point of beginning is the most easterly corner of Austin Municipal Utility District No.1, for the most easterly corner of the herein described tract of land;

THENCE, with the present corporate limit line of the City of Austin, which line is the southeast line of said Austin Municipal Utility District No.1, in southerly direction to the southeast corner of Austin Municipal Utility District No.1, for the southeast corner of the herein described tract of land, same being a point in the north right of way line of U.S. Highway 290;

THENCE, with the present corporate limit line of the City of Austin, which line is the north right-of-way line of U.S. Highway 290, in a westerly direction to the northeast corner of Lot 1, Lundell Place a subdivision of record in Book 82 at Page 400 of the Plat records of Travis County, Texas;

THENCE, with the present corporate limit line of the City of Austin, which line is the common line of said Austin Municipal Utility District No.1 and said Lundell Place, in a westerly, southerly, and easterly directions to the southeast corner of Lot 2, in said Lundell Place, same being a point in said north right-of-way line of U.S. Highway 290,

THENCE, with the present corporate limit line of the City of Austin, which line is the north right-of-way line of U.S. Highway 290, in a westerly direction to a exterior ell corner of said Austin Municipal Utility District No.1, same being a point in the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010);

THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010), in a northerly, westerly and southerly directions to a point in the north right-of-way line of Blue Goose Road, which line is the present corporate limit line of the City of Austin;

THENCE, with the present corporate limit line of the City of Austin, which line is the north right-of-way line of Blue Goose Road, in a westerly direction to an exterior ell corner of the herein described tract of land, same being a point in the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010);

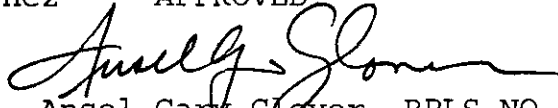
THENCE, with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated December 20, 1987 (Case No.C7ad-87-010), which line is the west and south line of said Austin Municipal Utility District No.1, in a northerly, westerly and northerly directions to the most westerly northwest corner of said Austin Municipal Utility District No.1, for the most westerly northwest corner of the herein described tract of land;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated October 31, 1996 (Case No.C7ar-96-016), which line is a north and west line of said Austin Municipal Utility District No.1, in an easterly and northerly direction to the most northerly corner of said Austin Municipal Utility District No.1, for the most northwest corner of the herein described tract of land, same being a point in the aforesaid south right-of-way line Boyce Lane ;

THENCE, continuing with the present limited purpose corporate limit line of the City of Austin as described in an ordinance dated July 17, 1986 (Case No.C7ar-86-003), which line is the south right-of-way line Boyce Lane in an easterly direction to the point of beginning.

NUMBER THREE, Being all of Lot 2, Applied Materials Subdivision Section One a subdivision of record in Book 89 at Page 221 of the Plat Records of Travis County, Texas, and all of Lot 4, Harris Branch The Park of Commerce Section One, a subdivision of record Book 89 at Page 48 of the Plat Records of Travis County, Texas;

LEGAL DESCRIPTION: Al Martinez APPROVED:



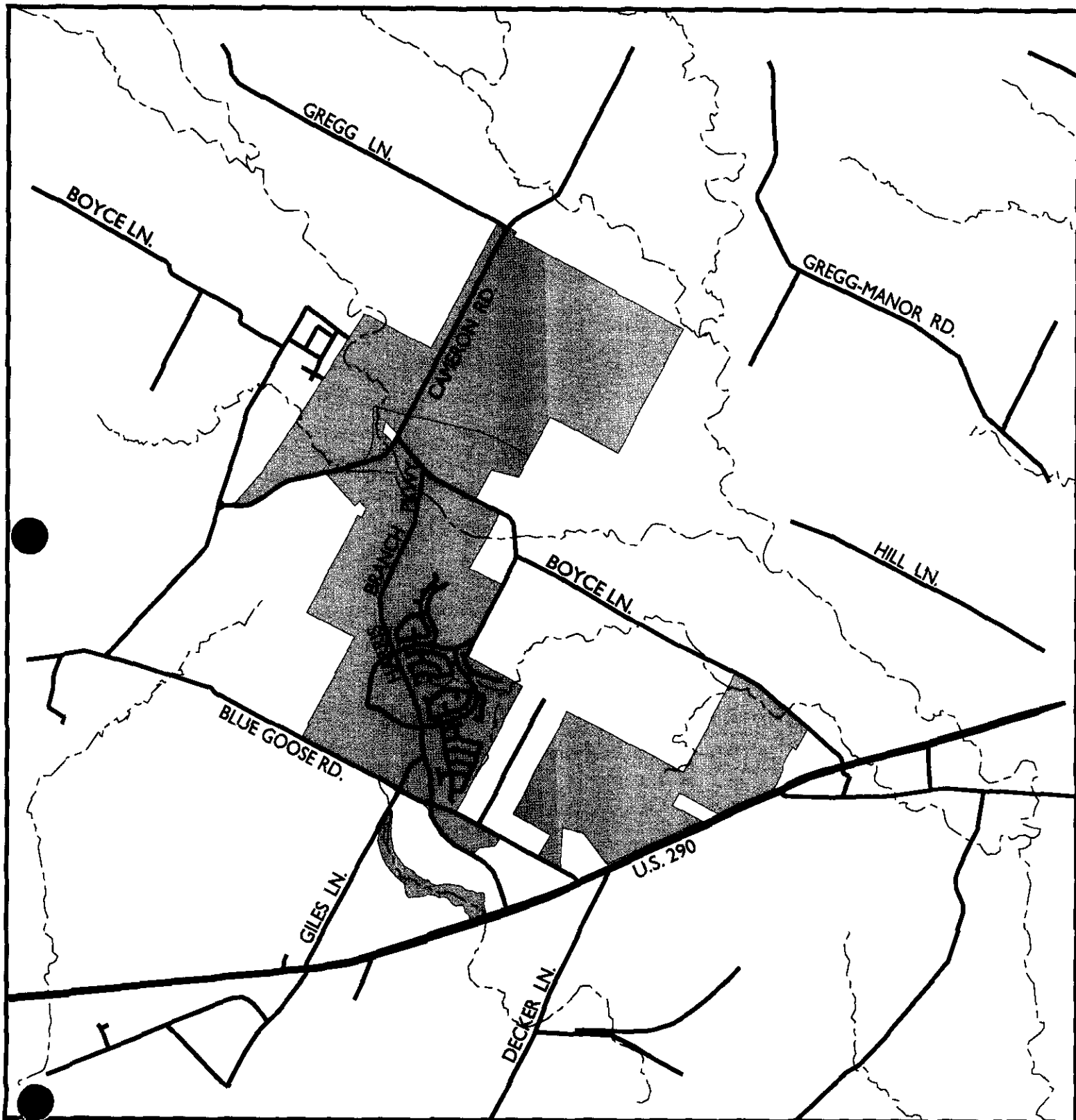
Ansel Gary Glover, RPLS NO.4783
Engineering Support Section
Infrastructure Support Services
City of Austin

REFERENCES

TCAD 2-3450, 2 4241, & 3441
Austin Grid Q & R 28-31

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 Area to be changed from a Limited Purpose Annexation to a Full Purpose Annexation

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EXHIBIT B

981210-N



CITY OF AUSTIN

ANNEXATION SERVICE PLAN

Case Name: Harris Branch

Case Number: C7a-98-010

Date: December 4, 1998

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the full-purpose annexation to the City of a tract of land ("annexation area") known as the Harris Branch Area, which includes Austin Municipal Utility Districts Nos. 2 and 3, and a portion of Austin Municipal Utility District No. 1 ("the MUDs"). All areas in the annexation area are located in Travis County, Texas. The annexation area is described by metes and bounds in Exhibit A which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services in accordance with State law.

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The City reserves the right guaranteed to it by Section 43.056(h) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area within 60 days after the effective date of the annexation, unless otherwise noted.

a. Police Protection. The Austin Police Department ("APD") will provide protection and law enforcement services in the annexation area, commencing on the effective date of annexation. These services include:

- ▶ normal patrols and responses;
- ▶ handling of complaints and incident reports;
- ▶ special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

APD anticipates providing service to the area with an average response time of not more than the City wide average response time for Priority 1 calls.

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The area will be included in a district which will receive primary 24 hour a day patrol coverage. APD will provide primary patrol services with regularly scheduled officers. Overtime may be used to fill in for primary patrol officers on leave. Secondary patrols (occurring generally from mid-morning to early evening) would be provided throughout the City by regularly scheduled officers and overtime officers. Currently, officers who patrol this area will begin and end their shifts at the North Police Substation located at 12425 Lamplight Village Avenue, near Parmer Lane.

The City will be adding three new police officers. Coverage will be increased to serve this annexed area.

b. Fire Protection. The Austin Fire Department ("AFD") will provide emergency and fire prevention services in the annexation area, commencing on the effective date of the annexation. These services include:

- ▶ fire suppression and rescue;
- ▶ emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
- ▶ hazardous materials mitigation and regulation;
- ▶ emergency prevention and public education efforts;
- ▶ dive rescue;
- ▶ technical rescue;
- ▶ aircraft/rescue/firefighting;
- ▶ construction plan review;
- ▶ inspections;
- ▶ emergency management planning;
- ▶ rescue/ hazardous materials unit.

These services are provided, on a City-wide basis, by over 900 employees operating from 33 emergency fire stations and other non-emergency sites. All Austin firefighters are certified by the Texas Fire Commission.

This area will be served by the AFD station located within the area at 11205 Harris Branch Parkway, which AFD will open on the effective date of annexation.

AFD serves as the first responder on life threatening medical emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician (EMT) level or higher. All pumpers, ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart

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attack victims.

c. Solid Waste Collection. The Austin Solid Waste Services Department will provide solid waste collection services in the annexation area. Services will be provided by City personnel or by private solid waste service providers under contract with the City. The City will also consider allowing residential solid waste services contracts in effect on December 8, 1998, with neighborhood associations, homeowners associations, and municipal utility districts to continue in effect until the expiration date of the agreement or until 5 years from the effective date of annexation, whichever occurs sooner. Before December 8, 1998, the qualified organizations must request that the City allow those contracts to remain in effect; however, the City reserves the right to require amendments to those agreements and to charge fees to the customers for services not included in those contracts, such as billing, recycling, yard waste disposal, and collection. At the expiration date identified above, the area will be included within the City solid waste services program for all purposes. Residents with individual contracts for residential solid waste services will be provided City service within 60 days of the effective date of annexation.

Services currently provided in the City for single family residences include:

- ▶ garbage collection - once per week cart collection in accordance with City "pay-as-you-throw" guidelines;
- ▶ recycling collection - once per week curbside recycling collection for residential customers, materials collected include newspaper, "junk mail," tin and aluminum can, glass bottles and jars, plastic bottles (#1 and #2);
- ▶ yard waste collection - once per week residential yard trimmings collection in paper bags or reusable containers;
- ▶ street sweeping service - approximately 6 times per year for streets with curb and gutter;
- ▶ dead animal collection - dead animals are removed from roadways upon request;
- ▶ large and bulky material pickup - notice to customers is provided in advance of the pickup date.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from the City or private service providers.

d. Maintenance of Water and Wastewater Facilities. The assets and liabilities of the MUDs will be assumed by the City after dissolution of the Districts. Water and wastewater services will continue to be provided through existing facilities located within the area. The facilities will be

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operated by the City's Water and Wastewater Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy. Residents will pay inside City water and wastewater rates, without the addition of a special water and sewer rate sometimes referred to as the "post annexation surcharge".

e. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Transportation and Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- ▶ emergency pavement repair;
- ▶ ice and snow monitoring of major thoroughfares;
- ▶ repair maintenance of public streets on as-needed basis.

Following annexation, public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional class, and available funding. In general, any necessary rehabilitation or reconstruction will be considered on a City-wide priority basis.

The Transportation and Public Works Department has identified portions of the following streets and roadways in the area as needing significant maintenance during the next five years:

Blue Goose Road
Boyce Lane
Cameron Road
Carisbrooke Lane
Farmhaven Road
Giles Lane
Harris Branch Parkway
Lansdowne Road

The Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency sign repair.

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For major arterials and collectors, the repainting of street markings is on a six to twelve month frequency. All improved intersections and roadways are striped upon improvement. All roadways are restriped and remarked as needed.

The City will maintain existing public street lights in the annexation area.

f. Maintenance of Parks, Playgrounds, and Swimming Pools. There are no publicly owned recreational facilities in the area currently. Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

g. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. Emergency Medical Service. The City Emergency Medical Services (EMS) Department is the current provider of EMS services in the annexation area and will continue to provide service following annexation. The Austin Fire Department also provides emergency first response in the City for the EMS on life threatening medical emergencies, and will provide this service from the fire station inside the area.

Primary response will come from Medic 14, currently located at 1801 East 51st Street. When completed, service will also be provided from an EMS station located at Berkman Drive and St. Johns Ave.

b. Drainage Utility. The Austin Drainage Utility will provide drainage maintenance services in the annexation area. The City will assume maintenance for all public drainage ponds and channels, some of which are not currently maintained. Drainage maintenance in the City is a fee-based service. Services provided by the Drainage Utility include:

- ▶ detention and water quality pond maintenance (residential only);
- ▶ open waterway maintenance;
- ▶ storm sewer maintenance;

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- ▶ watershed development review and inspection;
- ▶ emergency spills and pollution complaints response;
- ▶ storm sewer discharge pollution prevention (commercial only);
- ▶ water quality assessments for creeks;
- ▶ underground hazardous materials storage and leak prevention program;
- ▶ flood plain office (information relating to flood plains);
- ▶ flood early warning system;
- ▶ tree preservation review and inspection;
- ▶ commercial landscape review and inspection (commercial only).

c. Library Department. The residents of the annexation area will receive library services from the Austin Library Department. The nearest libraries to this annexation area are the University Hills Branch, at 4721 Loyola Lane, and Windsor Village Branch, at 5811 Berkman Drive .

d. Austin Health and Human Services Department/Travis County Health Department. The Austin Health and Human Services Department/Travis County Health Department currently provides a wide range of services to this annexation area. Upon annexation, the following additional services will be available from the Department:

- ▶ investigation of public health related complaints including water and air pollution, and tall weeds and grass;
- ▶ animal control;
- ▶ access to community health clinics;
- ▶ Medical Assistance Program benefits;
- ▶ rodent control consultation.

e. Electric Utility Department. The Electric Utility Department will provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.

f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 ½ years after that date.

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Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection. No capital improvements are necessary at this time to provide police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide Fire services.
- c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.
- d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.
- e. Water and Wastewater Facilities. No capital improvements are necessary at this time to provide water or wastewater services.

Water and wastewater services to new subdivisions will be provided according to the standard policies and procedures of the Water and Wastewater Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- f. Roads and Streets. No road or street related capital improvements are necessary at this time to provide services. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.

The Transportation and Public Works Department has identified portions of the roadways listed below as possible partial or full roadway reconstruction projects; these improvements are not necessary to provide service and reconstruction will not necessarily be completed within four and a half years:

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Blue Goose Road, from 7200 to 8200 block
Boyce Lane, from Parmer Lane to 6200 block, and culvert at 6300 block
Cameron Road, from Parmer Lane to Gregg Lane, and bridge at 12000 block
Farmhaven Road, at 11300 block

- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services. Upon annexation, a ten acre tract of land located near Bluebonnet Elementary School is to be dedicated to the City by the developer of the Harris Branch area, for use as parkland. The City will expend \$150,000 for park development and improvements on this tract, which funds will be expended within three years of the effective annexation date. The type of improvements to be installed on this tract will be determined by PARD following meetings with area residents.
- h. Drainage Utility. No capital improvements are necessary at this time to provide services.
- i. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. In other cases, the City will install public street lighting in the annexation area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies.
- j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY (1997)

The following information is a summary of the Water and Wastewater Utility Service Extension Policy, Chapters 13-1 through 13-3 of the 1992 Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Generally, water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Water and Wastewater Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's Water and Wastewater System and the requested extension otherwise meets the requirements of Chapter 13-3, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches in diameter but less than 18 inches, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches

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in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin Health and Human Services Department/Travis County Health Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.

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